

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Lennox School District
Accountability Review - Monitoring Report 2012-2013

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Dates of On Site Visit: November 13th and 14th, 2012

Date of Report: December 5, 2012

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

- (1) Review existing evaluation data on the child, including:
 - (a) Evaluations and information provided by the parents of the child;
 - (b) Current classroom-based local or state assessments and observations; and
 - (c) Observations by teachers and related services providers; and
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of academic achievement and related developmental needs of the student; and
 - (c) Whether the student needs special education and related services.

The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

ARSD 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including
 - information provided by the parents, that may assist in determining:
 - (a) Whether the child is a child with a disability; and
 - (b) The content of the child's IEP, including information related to enabling the child:

Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - (b) Meet each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
 - (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other non-academic activities; and
 - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - (a) The student cannot participate in the regular assessment; and
 - (b) The particular alternate assessment selected is appropriate for the student;
- (8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:
 - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Timeline for Completion: 45 calendars day from the report date listed above.

Student:	Required Action:	Data To Be Submitted:
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<p>Student File #3: This student was reported on child count under the category of Emotional Disturbance (505).</p> <p>1. Determination of needed evaluation data: A Visual Motor evaluation was administered during the initial evaluation without parent consent.</p> <p>IEP Content:</p> <p>2. The justification for placement did not include a statement as the student's instructional needs resulting in removal from the general education classroom.</p>	<p>The district must take the following actions:</p> <p>1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations.</p> <p>2. The district must amend the IEP to include a Justification statement.</p>	<p>The district must submit the following:</p> <p>1. Document and submit a copy of the district procedure for informal review and review of existing data.</p> <p>2. Copy of the amended IEP</p> <p>3. Copy of the Parental Prior Written Notice informing parent of the amendment</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p>Student File #5: This student was reported on child count under the category of Other Health Impaired (555) due to ADHD.</p> <p>1. Determination of needed evaluation data: The prior notice/consent did not indicate the documentation of chronic/acute health (ADHD diagnosis) would be pulled forward and used for determining eligibility.</p> <p>2. Skill Based Assessment: There was no skill based assessment in the area of behavior in the students evaluation report in support of the PLAAFP and services provided due to the ADHD.</p>	<p>The district must take the following actions:</p> <p>1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations.</p> <p>2. This result pertains to issue #1. The district needs to identify what will be used to address skill based assessment in the area of behavior.</p>	<p>The district must submit the following:</p> <p>1. Document and submit a copy of the district procedure for informal review and review of existing data.</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p>Student File #6: This student was reported on child count under the category of Specific Learning Disabilities (525).</p> <p>1. Determination of needed evaluation data: Upon transferring into the school district, the review of existing data did not identify that a reevaluation needed to be conducted by 4-17-10. The reevaluation was not conducted until September 2011.</p> <p>2. Skill Based Assessment: The student was eligible in the areas of written expression, math operations, oral expression and listening comprehension. Skill based assessment was not conducted and reported in the students areas of eligibility.</p> <p>3.IEP Content:</p> <ul style="list-style-type: none"> The PLAAFP contained some information however, limited 	<p>The district must take the following actions:</p> <p>1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations.</p> <p>2. Acquire prior notice/consent to conduct skill based assessment in all areas of eligibility. Develop written report to be given to parents.</p> <p>3. Amend the PLAAFP, annual goals and special education services.</p>	<p>The district must submit the following:</p> <p>1. Document and submit a copy of the district procedure for informal review and review of existing data.</p> <p>2. Copy of the Prior notice/consent for evaluation</p> <p>3. Copy of skill based assessment report</p> <p>4. Copy of the amended IEP</p> <p>5. Copy of the Parental Prior Written Notice informing parent of the amendment.</p>

specificity for instruction. <ul style="list-style-type: none"> • The students program (annual goals) did not address oral expression or listening expression. • Special education and related services did not state the amount of specialized instruction the student would receive in each of the four eligible areas. 		
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
Student File #7: This student was reported on child count under the category of Specific Learning Disability (525). 1. IEP Content: <ul style="list-style-type: none"> • Present Levels of Performance - Progress/involvement in the general curriculum needs to address how the disability presents itself resulting in the student inability to access the general curriculum. • The student was eligible in the area of oral reading fluency. There was no indication in the IEP (annual goals) that services would be provided in this area of eligibility. • Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility. • 4. Transition: A transition evaluation was conducted without parent consent. A transition report was not written and provided to the parents. The IEP did not contain activities/services relating to the MPSG of education/training. 	The district must take the following actions: 1. Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> • progress/involvement in the general curriculum statement, • a reading fluency goal • the amount of specialized instruction to be provided to the student in each eligible/service area, • special education services and activities/services relating to the MPSG of education/training 	The district must submit the following: <ol style="list-style-type: none"> 1. Copy of the amended IEP 2. Copy of the Parental Prior Written Notice informing parent of the amendment.
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
Student File #8: This student was reported on child count under the category of Cognitive Disability (510). 1. IEP Content: <ul style="list-style-type: none"> • Present Levels of Performance -Progress/involvement in the general curriculum needs to address how the disability presents itself in the general education setting resulting in the student inability to access the general curriculum rather than 	The district must take the following actions: 1. Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> • progress/involvement in the general curriculum statement, • the amount of specialized instruction to be provided to the student in each 	The district must submit the following: <ol style="list-style-type: none"> 1. Copy of the amended IEP 2. Copy of the Parental Prior Written Notice informing parent of the amendment.

placement and accommodations. <ul style="list-style-type: none"> Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility/service. 3. Extended School Year (ESY): IEP team indicated ESY was need but did not document the services, frequency, location and duration of services. A statement was included about a Here 4 Youth summer program. 	eligible/service area, <ul style="list-style-type: none"> ESY service areas, dates of services and the amount of service to be provided. 	
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
Student File #9: This student was reported on child count under the category of Autism (560). <ol style="list-style-type: none"> Determination of needed evaluation data: The prior notice/consent did not indicate an observation was necessary in determining eligibility. IEP Content: <ul style="list-style-type: none"> Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility/service. 	The district must take the following actions: <ol style="list-style-type: none"> The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations. Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> the amount of specialized instruction to be provided to the student in each eligible/service area, 	The district must submit the following: <ol style="list-style-type: none"> Copy of the amended IEP Copy of the Parental Prior Written Notice informing parent of the amendment.
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
Student File #11: This student was reported on child count under the category of Specific Learning Disability (525). <ol style="list-style-type: none"> IEP Content: <ul style="list-style-type: none"> Transition: An outside agency was invited to the students IEP meeting without parental consent. The measurable post- secondary goals (MPSG) were not consistently measurable. 	The district must take the following actions: <ol style="list-style-type: none"> Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> Schedule an IEP meeting and consistently develop measurable MPSGs. Consent issues cannot be corrected. 	The district must submit the following: <ol style="list-style-type: none"> Copy of the amended IEP Copy of the Parental Prior Written Notice informing parent of the amendment.
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
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<p>Student File #12: This student was reported on child count under the category of Specific Learning Disability (525).</p> <p>1. IEP Content:</p> <ul style="list-style-type: none"> Justification for placement: The justification did not include a statement as the student's instructional needs resulting in removal from the general education classroom. Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility/service. The location of services stated general education or resource room making it impossible to determine continuum of alternative placement. 	<p>The district must take the following actions:</p> <p>1. Schedule meeting and amend the IEP to document:</p> <ul style="list-style-type: none"> the amount of specialized instruction to be provided to the student in each eligible/service area, justification for placement statement 	<p>The district must submit the following:</p> <p>1. Copy of the amended IEP</p> <p>2. Copy of the Parental Prior Written Notice informing parent of the amendment.</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p>Student File #13: This student was reported on child count under the category of Speech/Language (550).</p> <p>1. IEP Content:</p> <ul style="list-style-type: none"> Special education and related services did not state the amount of specialized instruction the student would receive in the area of articulation. The service statement combined speech and language as the service. The student does not receive language services. 	<p>The district must take the following actions:</p> <p>1. Schedule meeting and amend the IEP to document:</p> <ul style="list-style-type: none"> The amount of specialized instruction to be provided to the student in specific to their eligible/service area. 	<p>The district must submit the following:</p> <p>1. Copy of the amended IEP</p> <p>2. Copy of the Parental Prior Written Notice informing parent of the amendment.</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p>Student File #14: This student was reported on child count under the category of Speech/Language (550).</p> <p>1. Determination of needed evaluation data: Parent input regarding concerns in the areas of reading, writing, personality and reversals was not taken into consideration since input is gathered prior to the meeting rather than prior to sending out the consent for evaluation.</p>	<p>The district must take the following actions:</p> <p>1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations.</p>	<p>The district must submit the following:</p> <p>1. Document and submit a copy of the district procedure for informal review and review of existing data.</p>
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
Student File #15: This student was reported on child count under	The district must take the following actions:	The district must submit the following:

<p>the category of Multiple disabilities (510 and 515=530).</p> <ol style="list-style-type: none"> 1. Determination of needed evaluation data: When conducting a review of existing data the district evaluation team did not consider the need for an Ophthalmological or adaptive evaluation when completing the prior notice/consent for evaluation. The evaluations were administered without parental consent. 2. IEP Content: <ul style="list-style-type: none"> • Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility/service. • Extended School Year (ESY): IEP team indicated ESY was need but did not document the frequency, location and duration of services. 	<ol style="list-style-type: none"> 1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations. 2. Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> • the amount of specialized instruction to be provided to the student in each eligible/service area, • ESY service areas, dates of services and the amount of service to be provided. 	<ol style="list-style-type: none"> 1. Document and submit a copy of the district procedure for informal review and review of existing data. 2. Copy of the amended IEP 3. Copy of the Parental Prior Written Notice informing parent of the amendment
<p>Date Data Submitted:</p> <p>Status:</p>		

Student:	Required Action:	Data To Be Submitted:
<p>Student File #16: This student was reported on child count under the category of Developmental Delay (570).</p> <ol style="list-style-type: none"> 1. Determination of needed evaluation data: When conducting a review of existing data or an initial evaluation the district evaluation team did not consider the need for a fine motor and gross motor evaluation when completing the prior notice/consent for evaluation. The evaluations were added to the original consent notice via a phone conversation rather than obtaining written consent. 2. Skill Based Assessment: Skill based assessment was not conducted in the student's skill area of behavior. 3. IEP Content: <ul style="list-style-type: none"> • Present Levels of Performance -Progress/involvement in the general curriculum needs to address how the disability presents itself in the general education setting resulting in the student inability to access the general curriculum. • Special education and related services did not state the amount of specialized instruction the student would receive in each area of eligibility/service. 	<p>The district must take the following actions:</p> <ol style="list-style-type: none"> 1. The district need to review current policy, procedure and practice regarding the requirement of conducting the informal review for initial evaluations and the review of existing data prior to reevaluations. 2. This result pertains to issue #1. The district needs to identify what will be used to address skill based assessment in the area of behavior. 3. Schedule meeting and amend the IEP to document: <ul style="list-style-type: none"> • The students' progress/involvement in the general education curriculum • the amount of specialized instruction to be provided to the student in each eligible/service area, 	<p>The district must submit the following:</p> <ol style="list-style-type: none"> 1. Document and submit a copy of the district procedure for informal review and review of existing data. 2. Copy of the amended IEP 3. Copy of the Parental Prior Written Notice informing parent of the amendment
<p>Date Data Submitted:</p> <p>Status:</p>		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- ***District procedure for referral, informal review, initial evaluation or review of existing data and reevaluation.(Submission Required)***
- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues noted in this report.

Data To Be Submitted:

1. **The training date, instructor and participants will be documented and submitted to the team leader to verify technical assistance was provided.**
2. **A copy of the district's policy/procedure for implementing an informal review for initial evaluations and reviews of existing data for reevaluations.**
3. **Each special education teacher, early childhood teacher and speech pathologist will submit the following documents for one student who has been initially evaluated or reevaluated since the on-site review date.**
 - Referral document (if applicable)
 - The prior notice/consent for evaluation
 - Copies of **all** the evaluation reports including skill based assessment and transition
 - Copy of the meeting notice for the eligibility/IEP meeting
 - Copy of the MDT/eligibility document
 - Copy of the IEP and;
 - Copy of the parental prior written notice of implementation

Target Date for Completion:

Date - Status Report:

Prong 1: Correct each individual case of noncompliance

Through a review of student files, data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration or documented appropriately.

Student:	Required Action:	Data To Be Submitted:
	Document the specific activities and procedures that will be implemented and the	The district will collect and submit to SEP the following

	<p>data/criteria that will be used to verify compliance.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. 	<p>data:</p> <ol style="list-style-type: none"> 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.
Timeline for Completion: May 15th, 2012		

<u>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</u>
<p>Required Action:</p> <p>Implement policy/procedure/practice identified in Prong #1.</p>
<p>Data To Be Submitted:</p> <p>Data submitted for Prong #1 will be used to verify correction.</p>
Target Date for Completion:
Date - Status Report:

State Performance Plan – Performance Indicators

Indicator 2 – Dropout Rate

Percent of youth with IEP's dropping out of high school.

State Target 3.2% or lower

District Rate: 5.26%

District Response: (We understand this to be one student. He was on the 5-yr plan and has now successfully graduated.) The high school principal and all staff members are very supportive of student success and encourage students to stay in school. Transition services outlined in IEPs are aimed to assist and reduce the risk of dropping out of school. Other district options, implemented to increase graduation success, are flexible scheduling via online classes for those not interested in sitting in the traditional setting and an alternate school option using East Dakota Cooperative.

Indicator 5 – Placement of Children Age 6-21

Percent of children with IEPs aged 6 through 21:

- A. inside the regular class 80% or more of the day inside the regular class 80% or more of the day;
- B. inside the regular class less than 40% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

State Target: 66% or higher

District Rate: 85.59%

District Response: The Lennox School District promotes the inclusion of students with special needs in the regular class as much as possible. Procedures are in place for ensuring the child is placed in the least restrictive environment within the continuum of alternative placements. (Refer to Lennox School District Special Education Comprehension Plan.) Via the IEP, programs are modified and student needs are accommodated to best educate the student in the LRE. All teachers work well together and administration is supportive of students with special needs being included in all aspects of the school building and programs. Workshops are offered to provide training on LRE and justification of placements.